

## Message Text

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70

ACTION EUR-12

INFO OCT-01 EA-07 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

SAJ-01 /066 W

----- 043774

R 081356Z DEC 76

FM USMISSION USBERLIN

TO SECSTATE WASHDC 3558

AMEMBASSY BONN

INFO AMEMBASSY BERLIN UNN

USLO PEKING

AMEMBASSY TAIPEI

AMCONSUL HANG KNOG

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E.O.11652: N/A

TAGS: PFOR, WB, CH, TW, GW

SUBJECT: CHINESE PROPERTY IN BERLIN

1. QUOTING SPOKESMAN OF CHINESE EMBASSY IN BONN AS SOURCE OF ITS INFORMATION, MORGENPOST REPORTED DEC. 3 THAT DECADES-LONG DISPUTE OVER OWNERSHIP OF FORMER CHINESE EMBASSY PROPERTY ON KU'DAMM HAS BEEN RESOLVED THROUGH AGREEMENTS NEGOTIATED WITH SENAT (SIC) WHEREBY PRC CLAIM TO PROPERTY WOULD BE OFFICIALLY RECOGNIZED. ACCORDING TO REPORT, NO FIRM DATE HAS YET BEEN SET YET FOR LEGAL TRANSFER OF TITLE TO PROPERTY FROM "CHINESE EMPIRE" (AS OWNERSHIP WAS REGISTERED IN 1902 IN LAND RECORDS OF CHARLOTTENBURG DISTRICT COURT) TO "PEOPLES REPUBLIC OF CHINA". PRC SPOKESMAN WAS QUOTED AS TELLING SPRINGER NEWS SERVICE THAT FIVE STORY KU'DAMM BUILDING WHICH HAS STOOD VIRTUALLY EMPTY SINCE NATIONALISTS CLOSED THEIR MILITARY MISSION IN 1950, AND REPORTEDLY IS IN DILAPIDATED CONDITION, WOULD BE COMPLETELY RENOVATED AFTER PRC OWNERSHIP WAS CONFIRMED. ALTHOUGH BUILDING MIGHT REMAIN EMPTY "TEMPORARILY" AFTER RENOVATION COMPLETED, PRC MIGHT BE CONSIDERING A SUBSEQUENT APPROACH TO

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SENAT (AND PRESUMABLY ALLIES) FOR PERMISSION TO OPEN

EITHER A COMMERCIAL OFFICE, CULTURAL CENTER OR EVEN A CONSULATE GENERAL IN WEST BERLIN, THE ARTICLE STATED.

2. MORGENPOST ARTICLE ON DEC. 5, HOWEVER, CAST DOUBT ON ACCURACY OF ITS EARLER REPORT. CITING INFORMED SENAT SOURCES, IT NOTED THAT QUESTION OF CHINESE PROPERTY RIGHTS IN BERLIN WAS PROPERLY A MATTER FALLING WITHIN COMPETENCE OF FRG AND THREE WESTERN ALLIES, BUT NOT SENAT. THEREFORE, SENAT WOULD BE UNABLE TO CONCLUDE AN AGREEMENT WITH PRC COVERING DISPUTED CHINESE PROPERTY, AS PRC EMBASSY SPOKESMAN WAS ALLEGED TO HAVE SAID. IN CASE OWNERSHIP CLAIMS OF PRC AND NATIONALIST CHINESE CANNOT BE RESOLVED, THE LEGAL QUESTION, ACCORDING TO MORGENPOST, WOULD HAVE TO BE DECIDED BY THE GERMAN COURTS. MORGENPOST DID LEARN, HOWEVER, THAT SENAT WAS HOPEFUL THAT PRC WOULD SOON AGREE TO UNDERTAKE SOME ESSENTIAL REFURBISHMENT OF THE PROPERTY. CONCERNED OVER NEGLECTED STATE OF BUILDING AND ITS GROUNDS, THE BERLIN CURATOR FOR HISTORICAL PROPERTY REPORTEDLY SOUGHT ASSISTANCE OF PRC THROUGH ITS EMBASSY IN BONN, A YEAR AGO TO PROVIDE FUNDS FOR THE NECESSARY REPAIRS.

3. SENAT REP KINZE TOLD ALLIED LIAISON OFFICERS ON DEC. 3 THAT TITLE COULD ONLY BE CHANGED BY COURT. KUNZE ADDED THAT PRC OFFICIALS HAVE BEEN ADVISED HOW TO GO ABOUT GETTING COURT TO TAKE LEGAL STEPS NECESSARY TO PERMIT PRC TO LEGALLY TAKE OVER ADMINISTRATION OF PROPERTY OF FORMER "CHINESE EMPIRE." HE INDICATED THAT CHINESE INTERESTED IN GETTING COURT ACTION COMPLETED, AND WHILE IMPLYING THAT SUCH ACTION COULD OCCUR SOON, HE SAID IT WAS REALLY UP TO CHINESE TO DETERMINE WHEN SOMETHING WOULD BE DONE. SUBSEQUENTLY SENAT CHANCELLERY DIRECTOR HERZ TOLD MISOFF THAT FRG, FOR ITS PART, OBLIGED BY LAW TO TURN OVER PROPERTY TO PRC SINCE FRG RECOGNIZES IT AS LEGAL SUCCESSOR STATE. HERZ ADDED, THAT TAIWAN'S INTERESTS IN WEST BERLIN WERE BEING REPRESENTED BY BERLIN CDU DEPUTY LAND AND FRAKTION CHAIRMAN KARL-LIMITED OFFICIAL USE

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HEINZ SCHMITZ, AND ONE CAN EXPECT HE COULD CAUSE DIFFICULTIES IN ANY COURT ACTIONS DESIGNED TO TURN PROPERTY OVER TO PRC. GEORGE

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## Message Attributes

**Automatic Decaptioning:** X  
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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CLAIMS, PROPERTY PROTECTION, PRESS COMMENTS, BERLIN QUADRIpartite MATTERS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 08 DEC 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** BoyleJA  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976USBERL02629  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
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**Film Number:** D760454-0256  
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**Subject:** CHINESE PROPERTY IN BERLIN  
**TAGS:** PFOR, WB, CH, TW, GE  
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